

Jethro M. Eisenstein (JE 6848)  
PROFETA & EISENSTEIN  
14 Wall Street  
22nd Floor  
New York, New York 10005-2101  
Tel: (212) 577-6500  
Fax: (212) 577-6702

*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM DAVID TASKY,

Plaintiff,

-against-

MORAN TOWING CORPORATION, INC.,

Defendant.

Index No.:  
07 CV 6949 (GEL)

ANSWER

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Defendant, Moran Towing Corporation, sued herein as "Moran Towing Corporation, Inc.", by its attorneys Profeta & Eisenstein, answering the Complaint of plaintiff William David Tasky, states as follows upon information and belief:

1. Admits the allegations contained in paragraph 1 of the Complaint.

2. Admits the allegations contained in paragraph 2 of the Complaint.

3. Admits the factual allegations contained in paragraph 3 of the Complaint and respectfully refers questions of law to the Court.

4. Admits the allegations contained in paragraph 4 of the Complaint.

5. Denies the allegations contained in paragraph 5 of the Complaint.

6. Admits the allegations contained in paragraph 6 of the Complaint.

7. Admits the allegations contained in paragraph 7 of the Complaint.

8. Denies the allegations contained in paragraph 8 of the Complaint.

9. Admits that on January 8, 2005, plaintiff was a member of the crew of the tug ALICE MORAN and was an employee of defendant, and except as so admitted, denies the allegations contained in paragraph 9 of the Complaint.

10. Denies the allegations in paragraph 10 of the Complaint.

11. Denies the allegations contained in paragraph 11 of the Complaint.

12. Denies the allegations contained in paragraph 12 of the Complaint.

13. Denies the factual allegations contained in paragraph 13 of the Complaint and respectfully refers questions of law to the Court.

14. Denies the allegations contained in paragraph 14 of the Complaint.

15. Denies the allegations contained in paragraph 15 of the Complaint.

16. With respect to the allegations repeated and reallaged in paragraph 16 of the Complaint, defendant makes the same admissions and denials as if herein set forth at length.

17. Denies the factual allegations contained in paragraph 17 of the Complaint and respectfully refers questions of law to the Court.

18. Denies the factual allegations contained in paragraph 18 of the Complaint and respectfully refers questions of law to the Court.

19. Denies the factual allegations contained in paragraph 19 of the Complaint and respectfully refers questions of law to the Court.

20. Denies the factual allegations contained in paragraph 20 of the Complaint and respectfully refers questions of law to the Court.

AFFIRMATIVE DEFENSES

21. If plaintiff sustained an injury as set forth in the Complaint, which is expressly denied, the same was caused or contributed to solely by plaintiff's own negligence and failure to exercise due care.

22. Plaintiff has heretofore been paid any and all payments due him as and for maintenance and cure.

23. Defendant has made certain payments to plaintiff for which defendant is entitled to a set-off.

WHEREFORE, defendant Moran Towing Corporation prays for judgment dismissing the Complaint with the costs and disbursements of this action.

Dated: New York, New York  
September 20, 2007

Yours etc.,

PROFETA & EISENSTEIN  
Attorneys for Defendant

A handwritten signature in black ink, reading "Jethro M. Eisenstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

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Jethro M. Eisenstein (JE 6848)  
A Member of the Firm  
14 Wall Street, 22nd floor  
New York, New York 10005-2101

TO:

HOFMANN & ASSOCIATES  
Attorneys for Plaintiff  
360 West 31st Street, Suite 1506  
New York, New York 10001